

## LEGISLATIVE MINUTES

### MARLBORO TOWNSHIP COUNCIL MEETING

December 10, 2009

The Marlboro Township Council held its re-scheduled meeting on December 10, 2009 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Rosenthal opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on November 16, 2009; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building posted on the Marlboro Township Website, and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President LaRocca, Councilwoman Marder, Councilwoman Tragni and Council President Rosenthal. Councilwoman-elect Carol Mazzola and Councilman-elect Scott Metzger were also present. Absent: Cantor

Also present were: Mayor Jonathan L. Hornik, Jonathan Williams, Esq., Business Administrator Alayne Shepler, Municipal Clerk Alida Manco and Deputy Clerk Deborah Usalowicz.

Council President Rosenthal opened the Public Hearing on Ordinance # 2009-35 (Codification of Code of Township of Marlboro). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2009-419 /Ord. # 2009-35 (Codification of Code of Township of Marlboro) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilwoman Marder and was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-419

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2009-35

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

which was introduced on November 12, 2009, public hearing held December 10, 2009, be adopted on second and final reading this 10th day of December, 2009.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Rosenthal opened the Public Hearing on Ordinance # 2009-30 (Police Dept. - Table of Organization). After the Public Hearing was held and closed, the following Res. # 2009-420/Ord. # 2009-30 (Police Dept. - Table of Organization) was introduced by reference, offered by Council Vice President LaRocca, seconded by Councilwoman Marder and was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-420

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2009-30

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE XIV, § 4-98, OF THE CODE OF THE TOWNSHIP OF MARLBORO ENTITLED "DIVISION OF POLICE" AMENDING TABLE OF ORGANIZATION

which was introduced on November 12, 2009, public hearing held December 10, 2009, be adopted on second and final reading this 10th day of December, 2009.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Rosenthal opened the Public Hearing on Ordinance # 2009-43 (Amend Chapter 59 - Dogs and Other Animals - Penalties). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2009-421/Ord. # 2009-43 (Amend Chapter 59 - Dogs and Other Animals - Penalties) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President LaRocca and was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-421

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2009-43 (AS AMENDED)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 59 OF THE CODE OF THE TOWNSHIP OF MARLBORO, ENTITLED, "DOGS AND OTHER ANIMALS", ARTICLE I, "CONTROL OF DOGS AND CATS", SECTION 59-3, "LICENSING REQUIREMENTS", SUB-SECTION (A) (4) TO ESTABLISH ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE LICENSING PROCESS, AND SUB-SECTION 59-3(B) (1) TO INCREASE THE AMOUNT OF A REPLACEMENT DOG REGISTRATION TAG, AND SECTION 59-4 TO INCLUDE A NEW SUB-SECTION 59-4(H) TO LIMIT THE NUMBER OF DOGS THAT MAY BE MAINTAINED BY ANY ONE PERSON OR PERSONS, AND SECTION 59-11, "VIOLATIONS AND PENALTIES", TO ESTABLISH ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE LICENSING PROCESS, AND AMENDING AND SUPPLEMENTING CHAPTER 59, ARTICLE II, "LICENSING OF CATS", SECTION 59-17, "LICENSE REQUIRED", AND SECTION 59-18, "VIOLATIONS AND PENALTIES", TO ESTABLISH ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF THE LICENSING PROCESS

which was introduced on November 12, 2009, public hearing held December 10, 2009, be adopted on second and final reading this 10th day of December, 2009.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Rosenthal opened the Public Hearing on Ordinance # 2009-44 (Amend Chapter 143 - Water Conservation). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2009-422/Ord. #2009-44 (Amend Chapter 143 - Water Conservation) was introduced by reference, offered by Council Vice President LaRocca, seconded by Council President Rosenthal and was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-422

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2009-44

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 143, "WATER", BY REPLACING ARTICLE I, ENTITLED "EMERGENCY USE RESTRICTIONS" WITH A NEW ARTICLE I, ENTITLED "WATER CONSERVATION REGULATIONS" AND BY REPLACING ARTICLE IV, ENTITLED, "CONSERVATION REQUIREMENTS" WITH A NEW ARTICLE IV, ENTITLED "WATER EMERGENCY REGULATIONS", AND BY ADDING ARTICLE V, ENTITLED, "SWIMMING POOL REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO SET FORTH REGULATIONS FOR WATER CONSERVATION

which was introduced on November 12, 2009, public hearing held December 10, 2009, be adopted on second and final reading this 10th day of December, 2009.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Rosenthal opened the Public Hearing on Ordinance # 2009-45 (Dissolution of MTMUA). After the Public Hearing was held and closed, Council President Rosenthal stated that Council will hold a special meeting on Dec. 18, 2009 at 7 PM to take action on the three ordinances concerning the dissolution of the MTMUA. Res. # 2009-423/Ord. # 2009-45 (Dissolution of MTMUA) was tabled to December 18<sup>th</sup> agenda. Motion to table was made by Councilwoman Tragni, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor of tabling (Absent: Cantor)

Council President Rosenthal opened the Public Hearing on Ordinance # 2009-46 (Creating Water Utility Division). After the Public

Hearing was held and closed, Res. # 2009-424/Ord. # 2009-46 (Creating Water Utility Division) was tabled to December 18<sup>th</sup> agenda. Motion to table was made by Council Vice President La Rocca, seconded by Council President Rosenthal, and was passed on a roll call vote of 4 - 0 in favor of tabling (Absent: Cantor).

Council President Rosenthal opened the Public Hearing on Ordinance # 2009-47 (Bond Ordinance in connection with MTMUA dissolution). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2009-425/Ord. # 2009-47 (Bond Ordinance in connection with MTMUA dissolution) was tabled to December 18<sup>th</sup> agenda. Motion to table was made by Council President La Rocca, seconded by Council President Rosenthal, and was passed on a roll call vote of 4 - 0 in favor of tabling (Absent: Cantor).

The following Resolutions were carried to the December 17<sup>th</sup> agenda: Res. #2009-426 - Urging Governor and Legislature to Eliminate State Imposed Unfunded Mandates), Res. #2009-427 (Appointing Custodian of Public Records for Police Dept. and adopting PD OPRA Form), Res. #2009-428 (Adopting Marlboro Township OPRA Form), Res. #2009-429 (Approve ICLEI USA Membership to increase public awareness about causes and impacts of climate change), Res. #2009-430 (Authorizing Agreement Mon. County MOD IV Tax System), Res. #2009-431 (Rescinding Res. #2009-375 - Refund of Developer Fee to JP Morgan Chase), Res. #2009-432 (HDSRF Grant 88 Conover Road), Res. #2009-433 (Authorizing Hold Harmless Agreement B 270, L 83.12) and Res. #2009-434 (Chapter 159 - "Drunk Driving Enforcement Fund").

The following Res. # 2009-430 (Authorizing Agreement Mon. County MOD IV Tax System) was introduced by reference, offered by Councilwoman Marder, seconded by Councilwoman Tragni and was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-430

AUTHORIZING THE MAYOR AND THE MUNICIPAL CLERK TO  
EXECUTE AN AGREEMENT WITH THE COUNTY OF MONMOUTH  
FOR COMPUTER SERVICES FOR THE MOD IV TAX SYSTEM

WHEREAS, the State of New Jersey has mandated the use of the MOD IV Tax System for all New Jersey Municipalities; and

WHEREAS, the Board of Chosen Freeholders of the County of Monmouth, in conjunction with the County Board of Taxation and the County Department of Information Technology Services, is offering the County's services to the Municipalities of Monmouth County to facilitate compliance by the municipalities with the MOD IV Tax System; and

WHEREAS, a Shared Services Agreement has been proposed for this purpose, pursuant to N.J.S.A. 40A:65-1 et seq; and

WHEREAS, it is in the best interest of the Township of Marlboro to enter into a Shared Services Agreement with the County of Monmouth.

NOW, THEREFORE, BE IT RESOLVED by the Township of Marlboro, County of Monmouth, State of New Jersey that the Mayor and Clerk are hereby authorized to execute the Shared Services Agreement entitled "Agreement Between the County of Monmouth and certain Municipalities Located Therein for Computer Services for the MOD IV Tax System", a copy of which is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to each of the following:

- a. County of Monmouth
- b. Mayor Jonathan L. Hornik
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP
- f.

The following Res. # 2009-435 (Raffle License Marlboro Educational Foundation) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President LaRocca and was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-435

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 30-09 (Calendar Raffle) be and it is hereby granted to Marlboro Educational Foundation, 1980 Township Drive, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that winning numbers will be drawn on the following dates and time:

April 1, 2010	8 PM
May 3, 2010	8 PM
June 1, 2010	8 PM

at the Marlboro Board of Education Office, 1980 Township Dr., Marlboro, NJ 07746.

The following Res. # 2009-437 (Setting Special Meeting Date - Dec. 18, 2009) was introduced by reference, offered by Councilwoman Marder, seconded by Council Vice President LaRocca and was passed on a roll call vote of 4 - 0 in favor (Absent: Cantor).

RESOLUTION # 2009-437

BE IT RESOLVED by the Marlboro Township Council that a "Special" Council Meeting will be held on December 18, 2009 at 7:00 PM at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, N. J. 07746. The purpose of this special meeting is to take formal action on the following resolutions/ordinances:

1. Res. #2009-423 - Second Reading  
Ord. #2009-045 - Dissolution of MTMUA
2. Res. #2009-424 - Second Reading  
Ord. #2009-046 - Creating Water Utility Division
3. Res. #2009-425 - Second Reading  
Ord. #2009-047 - Bond Ordinance in connection with MTMUA dissolution

Pursuant to Resolution #2009-24 concerning the rules of order of meetings of the Township Council, Citizen's Voice for special meetings is limited to 15 minutes.

At 1:45AM, Council President Rosenthal moved that the meeting be adjourned. This was seconded by Councilwoman Marder, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: JANUARY 21, 2010

OFFERED BY: MARDER

AYES: 2

SECONDED BY: LA ROCCA

NAYS: 0

ABSENT: CANTOR

ABSTAIN: MAZZOLA, METZGER

---

ALIDA MANCO,  
MUNICIPAL CLERK

---

FRANK LA ROCCA,  
COUNCIL PRESIDENT